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One Hundredth Congress

Congress of the United States

Committee on Foreign Affairs

House of Representatives

Washington, DC 20515

June 10, 1988

Executive Registry

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The Honorable George P. Shultz
 Secretary of State
 Department of State
 Washington, D.C. 20520

Dear Mr. Secretary:

We are aware of discussions between the Department of State and the Central Intelligence Agency regarding ways to incorporate the intelligence community's expertise in areas of security pertaining to the technical threat of hostile intelligence entities. We support the goal of bridging institutional differences and prerogatives to forge a new cooperative atmosphere in this area, particularly in light of the revelations relating to the U.S. Embassy in Moscow.

We have previously chosen not to comment on the discussions between your department and the agency hoping that the experts would reach, on their own, appropriate arrangements. As things stand now, however, we believe that this effort has strayed. These discussions have centered on creating an entity to set security standards for overseas missions and monitor compliance with these standards. It has been proposed that this unit would be headed by an individual appointed by the Director for Central Intelligence (DCI), would be largely staffed by members of the intelligence community, would report results of compliance with security standards to the DCI and others, and would have the authority to "decertify" the ability of any U.S. diplomatic or consular mission to maintain classified information. As currently proposed, this unit would not operate under the authority of the Secretary of State. Furthermore, we understand that such fundamental decisions establishing security standards and decertifying diplomatic and consular posts would be made outside of the supervision and direction of the Secretary of State.

However, current law, as strengthened by the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986, holds the Secretary of State firmly responsible and accountable for ensuring all areas of technical and physical security at U.S. posts abroad. In the discussions on establishing this new entity, we hope that you do not intend to abdicate your responsibilities, nor undermine the consensus between the Executive and

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Legislative branches embodied in Titles I-IV of the Act. In Section 103 of the Act, Congress directed that the Secretary of State *shall* (emphasis added) be responsible, among other things, for:

security policies and programs, including funding levels and standards; protection of all U.S. Government personnel on official duty abroad...[and] establishment and operation of security functions at all U.S. Government missions abroad.

As authors of the Act, we intentionally consolidated the security structure within the Department of State and strengthened the responsibility and accountability of U.S. Ambassadors and the Secretary of State in maintaining both the technical and physical security of our embassies abroad. We think you would agree this is where the responsibility belongs. In approving the relevant provisions, Congress recognized the weaknesses of fragmented security functions, dispersed among too many agencies. Furthermore, the Act consolidated the entire function, formerly dispersed in various bureaus and offices in the Department of State, under a new Assistant Secretary for Diplomatic Security. This, also, served to strengthen the chain of command and accentuate the need for enhanced accountability.

We did not ignore the appropriate role of other agencies. The Omnibus Diplomatic Security and Antiterrorism Act allows the Secretary of State to seek the assistance of other agencies in carrying out these responsibilities, and also directs other agencies to provide such assistance as may be requested. Section 106 of the Act states:

In order to facilitate fulfillment of the responsibilities described...other Federal agencies shall cooperate (through agreements) to the maximum extent possible with the Secretary of State. Such agencies may...provide assistance to the Secretary, perform security inspections, provide logistical support relating to the differing missions and facilities of other Federal agencies, and perform other overseas security functions as may be authorized by the Secretary. Specifically, the Secretary may agree to delegate operational control of overseas security functions of other Federal agencies to the heads of such agencies, subject to the Secretary's authority...The agency head receiving such delegated authority shall be responsible to the Secretary in the exercise of the delegated operational control.

Thus, while the Secretary of State may seek the expertise of other agencies in carrying out his responsibilities, all of the security operations of other agencies remain ultimately under the Secretary's control and responsibility. The creation of a unit under consideration would run counter to the deliberate and clearly stated authorities given exclusively to the Secretary by the Omnibus Act, and would violate the spirit of the Act's goal of consolidating security functions under one responsible and accountable official. Any

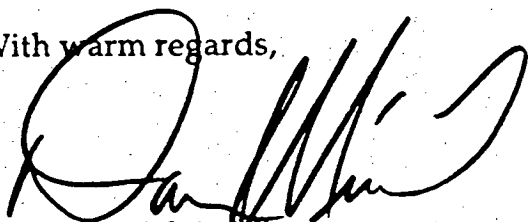
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organizational changes altering the Secretary of State's authorities and responsibilities established under law would require further legislative action by this Committee and by Congress.

Given our deep concern with this proposal, we request responses to the following questions: (1) is the proposed unit already being established; (2) will the Administration seek the necessary legislative changes prior to establishment of such a unit; (3) why it is felt necessary to cede the Secretary's control and responsibility over the security of diplomatic personnel and facilities to another agency; and, (4) how do you intend to address the unavoidable impact the unit's decisions would have on the Department's budget?

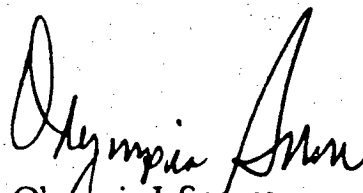
We look forward to working with you on this important issue.

With warm regards,



Daniel A. Mica
Chairman
Subcommittee on
International Operations

Sincerely,



Olympia J. Snowe
Ranking Minority Member
Subcommittee on
International Operations